

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 23, 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 23, 1992,
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>P</u>	EDMONDS <u>P</u>	GIAQUINTA <u>P</u>
HENRY <u>P</u>	LONG <u>P</u>	LUNSEY <u>P</u>
RAVINE <u>P</u>	SCHMIDT <u>P</u>	TALARICO <u>P</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR June 9, 1992,
_____, 19__

SPECIAL _____, 19__

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 23rd day of June, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 25th day of June, 1992.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

May 18, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-92-04-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
18th day of May 1992.

Robert Hutner
Secretary

/pb

CC: File

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The first alley north of Wayne Street on the west side of Monroe Street.

Reason for Project

Future development for office buildings.

Discussion (Including relationship to other Council actions)20 April 1992 - Public Hearing

Ed Garrett, 1306 Home Avenue representing the Foellinger Foundation appeared before the Commission. Mr. Garrett stated that this portion of alley no longer serviced any properties. He stated that they were requesting the vacation so that in the future it could be used to help implement the construction of additional office buildings. He stated that if vacated they intend currently just to landscape the property.

There was no one else present to speak in favor of or in opposition to the proposed vacation.

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation conditioned upon the petitioner providing utility easements or relocations as needed.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
The Foellinger Foundation

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

Motion carried.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 9 March 1992

Date 18 May 1992

Date 18 May 1992

Date 26 MAY 1992

Reference or Case Number

The Foellinger Foundation requests the vacation of a portion of public right-of-way.

Location: The 1st alley north of Wayne Street on the west side of Monroe Street.

Legal: See file

Land Area: Approximately 0.02 acres

Zoning: M-1

Surroundings: This area is zoned M-1.

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Neighborhood Community Group

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This stub alley was left by a previous vacation petition that was approved in 1990. At that time the Foellinger Foundation had petitioned for the vacation of the remainder of this alley to be vacated, but excluded this portion as they did not have ownership of the parcel located at the intersection with Monroe Street. Since that time they have acquired ownership, and seek a vacation of the final portion of this alley.

The alley is not needed for any access concerns, nor does it appear necessary to the continued growth of the city. The only property owner effected by the petition is the petitioner. It appears that there are utilities located overhead, so the petitioner would have to provide either easements or relocations as needed.

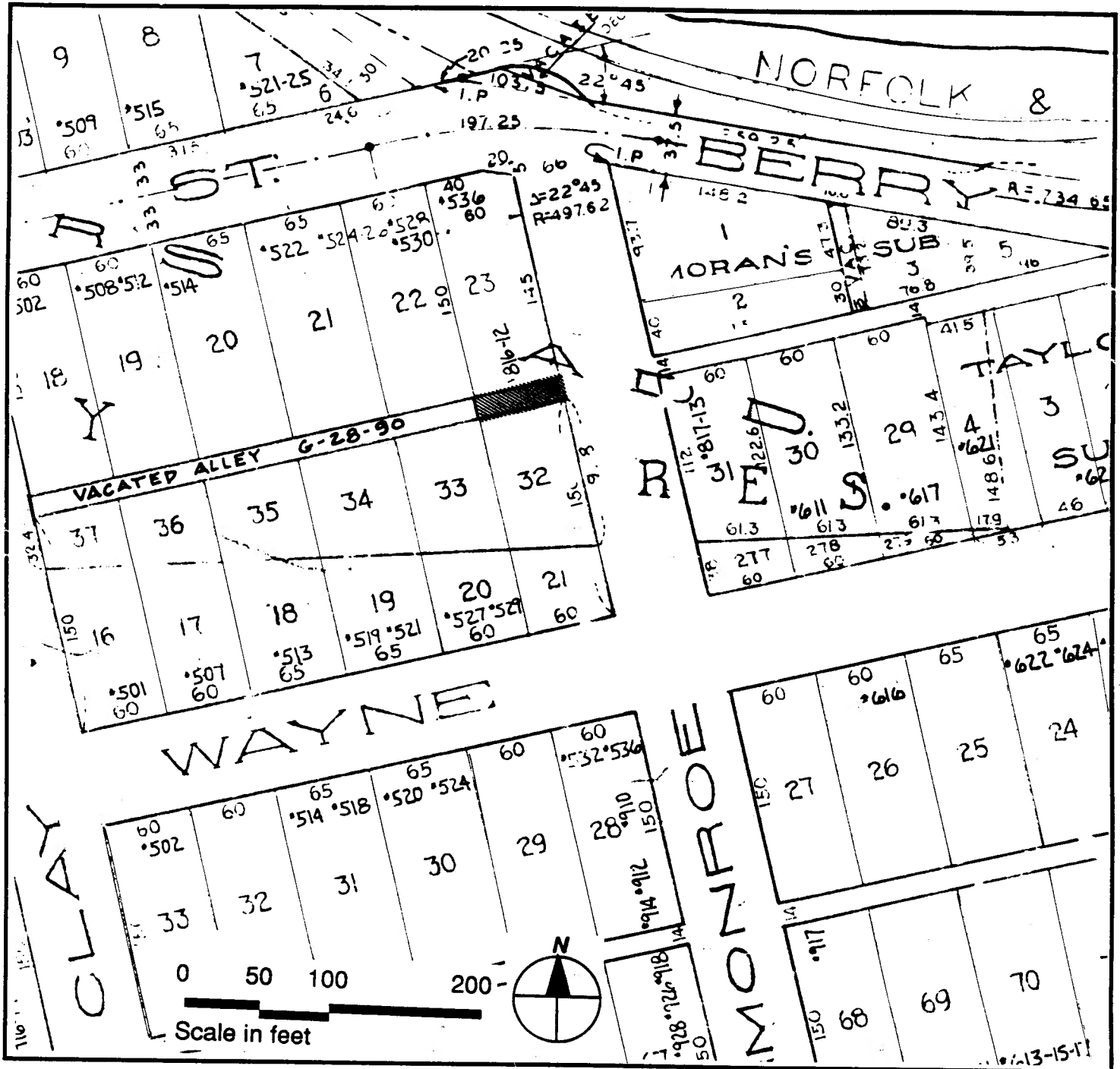
Recommendation: Conditional approval contingent upon the petitioner providing utility easements or relocations as needed, and for the following reasons:

- 1) Approval will not have a negative impact on any adjoining property.
- 2) Approval will not hinder any access to public or private ways or places.
- 3) Approval will eliminate a possible safety concern of maintaining a public alley without an appropriate area for a safe turn around.

VACATION PETITION

AREA MAP

CASE NO. #504



COUNCILMANIC DISTRICT NO. 1

Map No. N-6
LW 3-27-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION 79-238-4

WHEREAS, THE FOELLINGER FOUNDATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the west right-of-way of Monroe Street and west to, but not including, Lots 22 and 33, located south of Lot 23 and north of Lot 32 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held _____ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 21 DAY OF May 1992

~~FORT WAYNE~~ BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, THE FOELLINGER FOUNDATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the west right-of-way of Monroe Street and west to, but not including, Lots 22 and 33, located south of Lot 23 and north of Lot 32 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 20, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 27, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 18th DAY OF May 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary